

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Revenue Department - Sri M.Prabhakarudu, formerly Mandal Revenue Officer, Chinaganjam Mandal, Prakasham District - Disciplinary action under Rule 9 of APRP of 1980 - 100% cut in Pension and gratuity permanently imposed - Revised - Orders - Issued.

REVENUE (VIGILANCE.II) DEPARTMENT

G.O.Rt.No.250

Dated:15.02.2013
Read the following:-

1. G.O.Rt.No.238, Revenue(Vig.II) Det., dt.27.02.2007
2. From the A.P.A.T. orders dt. 23-8-2010 in O.A.No.2008/2010 filed by Sri M.Prabhakarudu MRO (Retd).
3. From the High Court of A.P. judgment dated:13.12.2012 in W.P.No.24958/2010 filed by Sri M.Prabhakarudu MRO (Retd).

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ORDER:

Sri M. Prabhakarudu, former Mandal Revenue Officer, Chinaganjam Mandal, Prakasham District was trapped on 06.11.2001 when he demanded and accepted a bribe of Rs.1500/- from the complainant Sri A. Krishna Reddy for doing official favour for issue of house site pattas to the complainant and others. Government have placed Sri M.Prabhakarudu Mandal Revenue Officer, Chinaganjam Prakasham District on his defence before the Tribunal for Disciplinary Proceedings (TDP) for conducting a detailed enquiry into the allegations. The Tribunal for Disciplinary Proceedings, after concluding enquiry, has stated that the prosecution has established the charge made against Sri M.Prabhakarudu Mandal Revenue Officer, Chinaganjam Prakasham District in all probabilities and liable for punishment under Rule 9 (x) of APCS(CCA) Rules,1991.

2. After careful examination of the issue, Government have provisionally decided to impose a penalty of 100% cut in pension and gratuity on Sri M.Prabhakarudu, formerly Mandal Revenue Officer, Chinaganjam Mandal, Prakasham Dist.(now retired) on permanent basis under rule 9 of A.P.R.P. Rules, 1980 for the charges held proved against him. Accordingly, a show cause notice was issued to him and the individual has submitted his explanation to drop further action against him.

3. After examining the explanation of Sri M.Prabhakarudu, Mandal Revenue Officer (Rtd), Government have confirmed the above provisional decision to impose a penalty of 100% cut in pension and withholding entire gratuity permanently on Sri M.Prabhakarudu Mandal Revenue Officer, Chinaganjam Prakasham District vide reference 1st read above.

4. Aggrieved by the said orders, Sri M.Prabhakarudu Mandal Revenue Officer, Chinaganjam Prakasham District filed O.A.No.2008/2010 before the Hon'ble A.P. Administrative Tribunal. The Hon'ble A.P. Administrative Tribunal in its orders in the reference 2nd read above has set aside the orders issued in the reference 1st read above and directed the respondents to release the pension and gratuity of Sri M.Prabhakarudu Mandal Revenue Officer, Chinaganjam Prakasham District. Government filed W.P. No.24958/2010 before the Hon'ble High Court against the A.P. Administrative Tribunal orders dt.23.08.2010.

P.T.O.,

5. In the reference 3rd read above, the Hon'ble High Court in its order dt. 13-12-2012 in W.P.No.24958/2010 among certain observations has ordered that

“a perusal of the impugned order passed by the Tribunal clearly reveals that even though the 1st respondent-applicant has submitted a detailed reply to the show cause notice on 04-09-2006 raising several points, the 1st petitioner herein without adverting to any of the points raised by the 1st respondent-applicant, mechanically issued the impugned order in G.O.Rt.No.238, Revenue (Vig.II) Dept., dt.27.02.2007 imposing the punishment of 100% cut in pension and also withholding the gratuity permanently. No reasons were given as to why the points raised by the 1st respondent-applicant in his explanation have been rejected. Therefore, the Hon'ble High court of the considered view of that the Tribunal has rightly set aside the impugned order issued in G.O.Rt.No.238, Revenue (Vig.II) Dept., dt.27.02.2007. However, the Tribunal ought to have given an opportunity to the disciplinary authority to pass fresh speaking order after considering the explanation submitted by the 1st respondent-applicant. For the reasons aforementioned, the Hon'ble Court upheld the orders passed by the Tribunal to the extent of setting aside the impugned order in G.O.Rt.No.238, Revenue (Vig.II) Dept., dt.27.02.2007 issued by the 1st petitioner. However, we give an opportunity to the 1st petitioner-disciplinary authority to reconsider the points raised by the 1st respondent-applicant in his explanation to the Show cause notice and pass fresh speaking order in accordance with law, within a period of three months from the date of receipt of a copy of this order”.

6. After careful examination of the matter keeping in view the explanation to the show cause notice submitted by the applicant Sri M.Prabhakarudu, Mandal Revenue Officer (Retd) and also the enquiry report submitted by the TDP in TEC No.55/03, the contentions raised by the applicant Sri M.Prabhakarudu, Mandal Revenue Officer(Retd) on his explanation to Show Cause Notice and observations of the Govt. are as follows:

Issue No.1 That evidence of PW-3 and PW-4 were not considered:-

Government have observed that P.W.3 & P.W.4 are the Senior Asst (M.R.I) Sri G. Venkataram Prasad and Mandal Surveyor Sri S.Venkateswara Rao. As per statement of P.W.-3 the application of P.W.-1 was sent to P.W.-3 for enquiry and that on 05.11.2001 personal inspection of the land in question was made jointly by P.W-3 & 4 and a report was sent on 5-11-2001. P.W-4 stated that he gave his report of 01-11-2001. Even if it were to be considered that the matter was pending for enquiry with the P.W.-3 & 4 that does not take away the possibility of the Delinquent Officer demanding money from P.W.-1 since the reference made by him to P.W3 & P.W.4 for inspection and report was a matter of internal procedure in the Delinquent Officer's office and the P.W.-1 had nothing to do with it. In fact he would not have known about it also. It was eminently probable that the Delinquent Officer would have demanded bribe from P.W-1 to expedite issue of the patta requested by him. This contention does not mitigate the probability of his guilt”.

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Issue No.2 Hon'ble Tribunal for disciplinary Proceedings cannot rely on the evidence of A.C.B officers and mediators :-

Government have observed that even though it is assumed for a minute that the A.C.B. officers had a vested professional interest in successful prosecution of the case there is no reason why the Tribunal for Disciplinary Proceedings should not have relied upon the evidence of the independent mediators, in this case Asst S.T.O Ongole (PW-5). Hence the contention is not acceptable.

Issue No.3 The bribe amount was thrust into his pocket:-

Government have observed that the Tribunal for Disciplinary Proceedings has stated in its findings that the complainant being a common citizen could not have developed any specific enmity with Delinquent Officer to have got him trapped. Moreover as an impulsive reaction, the Delinquent Officer would have thrown out the amount, in case it was thrust into his pocket and he would have followed P.W-1 out of the room when he went out to signal the A.C.B party. He did not do so, therefore the story of the Delinquent Officer sounds improbable.

Issue No.4 The A.C.B constable manipulated the Phenolphthalein test:-

Government have observed that this is unbelievable as per the statement of the mediators/witnesses.

7. Accordingly, Government, after re-examination of the matter, have decided to reject the representation of the applicant Sri M.Prabhakarudu, Mandal Revenue Officer (Retd) and hereby impose a punishment of withholding of entire (100%) pension and gratuity permanently on him as there is no valid grounds for consideration of his request.

8. The Chief Commissioner of Land Administration, Hyderabad is requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri M.Prabhakarudu, M.R.O.(Retd) through
CCLA, Hyderabad.
The Chief Commissioner of Land Administration, Hyderabad.
The G.P. for Services.II(Revenue, High Court of A.P, Hyderabad

Copy to:

The Collector, Prakasam Dist.
Sc/sf.

// Forwarded By Order//

SECTION OFFICER